

REMARKS

Applicant has cancelled claims 17, 55, and 151, amended claims 1, 3, 5, 7, 8, 10, 11, 15, 16, 26, 33-37, 44, 46, 48-50, 53, 54, 62, 74, 81, 83, 85, 87-89, 92, 93, 100, 104, 105, 107-109, 112, and 150 and added claims 195-198 to further define Applicant's claimed invention.

In the Office Action, the Examiner rejected claims 1-14, 17-34, 37-52, 55-71, 74-91, 94-109, 112-194 under 35 U.S.C. § 103(a) as being unpatentable over Fraser (6,432,106) in view of Bonuti (6,099,532) in view of Benzel et al. (6,214,005). The Examiner also rejected claims 15, 16, 35, 36, 53, 54, 72, 73, 92, 93, 110, 111 under 35 U.S.C. § 103(a) as being unpatentable over Fraser (6,432,106) in view of Bonuti (6,099,532) in view of Benzel et al. (6,214,005) and further in view of Lowery et al. (5,364,399).

Applicant amended independent claim 1 to recite an implant having "a bone screw" and "at least one of said bone screw receiving holes passing through said exterior surface and one of said edges so as to permit said trailing end of said bone screw to protrude beyond said one of said edges of said implant when said bone screw is inserted into said at least one bone screw receiving hole."

Applicant amended independent claim 26 to recite "said trailing end of said implant being adapted to orient bone screws to be received therein in a divergent relationship to one another and at an angle to a horizontal mid-longitudinal plane of said implant passing through said leading and trailing ends of said implant."

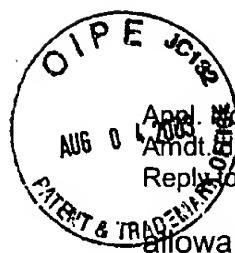
Applicant amended independent claim 44 to recite "said trailing end of said bone screw extending beyond said maximum height of said trailing end of said implant immediately adjacent thereto."

Applicant amended independent claim 62 to recite "at least one of said bone screw receiving holes interrupting only said upper edge of said trailing end, and another one of said bone screw receiving holes interrupting only said lower edge of said trailing end."

Applicant amended independent claim 81 to recite "said trailing end of said at least one bone screw protruding over one of said edges within a plane of said trailing end of said implant when inserted into said at least one of said bone screw receiving holes."

Applicant amended claim independent 100 to recite an implant having "at least one of said bone screw receiving holes proximate said upper edge of said outer perimeter having a single gap therein for permitting a portion of a bone screw to protrude over said upper edge of the outer perimeter of said trailing end within a plane of said trailing end, at least a second one of said bone screw receiving holes proximate said lower edge of said outer perimeter having a single gap therein for permitting a portion of another bone screw to protrude over said lower edge of the outer perimeter of said trailing end within a plane of said trailing end, each of said gaps being sufficient to retain a trailing end of a respective bone screw."

The structure recited in Applicant's independent claims 1,26, 44, 62, 81 and 100 is not taught or suggested by Fraser, Bonuti, or Benzel, either alone or when properly combined. Applicant submits that independent claims 1, 26, 44, 62, 81, and 100 are



Appl. No. 09/768,991

Aug 04 2003
Artnt. Dated August 4, 2003

Reply to Office action of March 26, 2003

allowable and that dependent claims 2-16, 18-25, 27-43, 45-54, 56-61, 63-80, 82-99,

101-150, 152-194 are allowable at least due to their dependency from an allowable independent claim, or claims dependent therefrom.

In view of the foregoing remarks, it is respectfully submitted that the claims are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

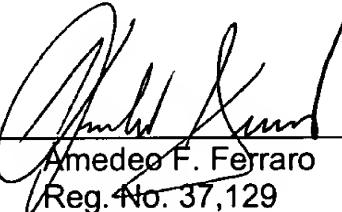
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: 8-4-03

By: 
Amedeo F. Ferraro
Reg. No. 37,129
Telephone: (310) 286-9800